

DETAILED ACTION

1. This application claims benefit of the foreign application: JAPAN 2002-229385 with a filing date 08/07/2002.
2. The abstract filed on 01/28/2005 has been accepted by the Examiner.
3. Amendment of claims 1 and 4-6, cancellation of claims 3, 10 and 12 and a terminal disclaimer in the amendment filed on March 28, 2008 is acknowledged. Claims 1-2, 4-9, 11 and 13-18 are pending in the application.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Charles E. Van Horn on June 19, 2008. The application has been amended as follows:

In claim 1, line 1, after "carbonic ester", insert

--of a formula RO(CO)OR, wherein R represents an unsaturated or saturated hydrocarbon group, --

Reasons for Allowance

5. The rejection of claims 1-2, 4-9, 11 and 13-18 under 35 U.S.C. 112, first paragraph has been overcome in the above Examiner's amendment and the

amendment filed on March 28, 2008. Since claims 3, 10 and 12 have been cancelled, the rejection of claims 3, 10 and 12 under 35 U.S.C. 112, first paragraph has been obviated herein.

6. Since compounds of formulae (1) and (2) has been incorporated into claim 1, the instant invention is distinct from Itakura et al., Ko et al., or Yamazaki et al.

The rejection of claims 1-2, 4-9, 11 and 13-18 under 35 U.S.C. 102(b) or 103(a) over Itakura et al., Ko et al., or Yamazaki et al. has been overcome in the amendment filed on March 28, 2008. Since claims 3, 10 and 12 have been cancelled, the rejection of claims 3, 10 and 12 under 35 U.S.C. 102(b) or 103(a) has been obviated herein.

7. Since the terminal disclaimer has been filed and approved in the Office, the provisional rejection of claims 1-2, 4-9, 11 and 13-18 under the obviousness-type double patenting over Miyake et al. co-pending application No. 10/495,451 has been overcome in the amendment filed on March 28, 2008. Since claims 3, 10 and 12 have been cancelled, the rejection of claims 3, 10 and 12 under the obviousness-type double patenting has been obviated herein.

8. Claims 1-2, 4-9, 11 and 13-18 are neither anticipated nor rendered obvious over the art of record, and therefore are allowable. Claims 1-2, 4-9, 11 and 13-18 are allowed. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rei-tsang Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/REI-TSANG SHIAO /

Rei-tsang Shiao, Ph.D.
Primary Patent Examiner
Art Unit 1626

June 19, 2008